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▶ **ILO strategy on extending social protection to migrant workers, refugees, and their families**



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 **ILO strategy on extending social protection to migrant workers, refugees, and their families**

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► 1. Introduction

The interconnectedness of the world through globalization, technological advancements, improved communication networks, and increasingly affordable transportation impacts the flow of goods, money, and services across borders. It also facilitates labour migration to meet labour shortages and demands, in particular in certain sectors such as agriculture, tourism, construction and care. This phenomenon affects virtually all countries worldwide, and is becoming increasingly diverse and multifaceted. According to the United Nations Department of Economic and Social Affairs (UNDESA), there were an estimated 272 million international migrants in 2019 – of which 62 per cent were migrant workers.¹ Additionally, conflicts, violence, human rights violations, disasters, and the effects of climate change are propelling millions of people and families to abandon their homes or countries of origin. By mid-2023, around 114 million people, including 36.4 million refugees and 6.1 million asylum seekers, were forcibly displaced, according to the United Nations High Commissioner for Refugees.

Although social security is a fundamental human right established in the Universal Declaration of Human Rights (1948), according to the ILO (2021) 4.1 billion individuals, lack access to social protection. This includes migrant workers, refugees, and their families, who face legal and practical obstacles to the exercise of their right to social security and effective access to social protection benefits, including healthcare. These obstacles are rooted in the principles of nationality and territoriality and their acuteness and prevalence depend largely on the availability of social protection schemes at national level, migration patterns, gender, employment status, and inherent discrimination (see **Table 1**).

As early as the founding of the International Labour Organization in 1919, the Preamble to the ILO Constitution recognized the importance of the “protection of the interests of workers when employed in countries other than their own”. In fulfilment of this mandate, the ILO has adopted several Conventions and Recommendations that provide a solid legal framework and useful guidance for extending social protection to migrant workers, refugees and their families based on the principle of equality of treatment.

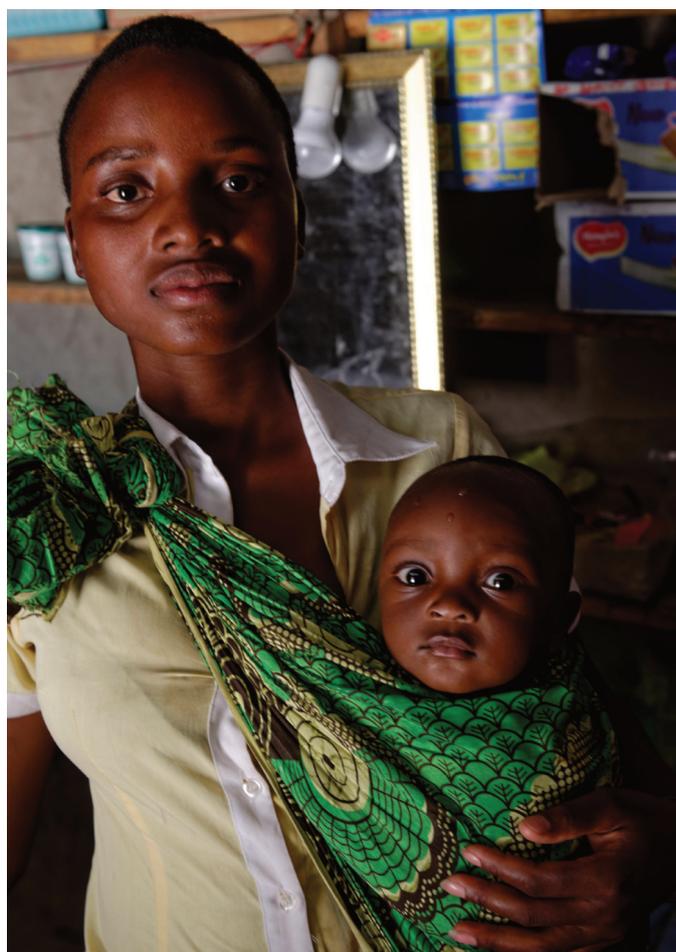
Box 1: Definition of social security and social protection

Social protection, or social security, is a human right and is defined as the set of policies and programmes designed to reduce and prevent poverty, vulnerability, and social exclusion throughout the life cycle.

Social protection includes nine main areas:

- child and family benefits,
- maternity protection,
- unemployment support,
- employment injury benefits,
- sickness benefits,
- health protection (medical care),
- old-age benefits,
- invalidity/disability benefits, and
- survivors' benefits.

Social protection systems address all these policy areas by a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits (including social assistance).



¹ ILO [Global Estimates on International Migrant Workers – Results and Methodology – Third edition](#), 2021.

▶ **Table 1. Legal and practical obstacles to accessing social protection**

Legal obstacles
Lack of ratification and implementation of relevant human rights instruments and International Labour Standards with provisions on migrant workers' and refugees' social protection
Legal exclusion of migrant workers and refugees from social protection schemes, based on their nationality, migration or refugee status, duration of stay, type and duration of employment, including also lack of access to the labour market for refugees.
Legal exclusion of certain categories of workers (e.g., self-employed, agricultural and domestic workers, as well as workers in the informal economy) from national social security laws and agreements)
Absence of bilateral or multilateral agreements allowing for the portability of social security benefits and/or limited scope of such agreements.
The inability for refugees to avail themselves of the (social) protection of their home country (e.g., through social security agreements), if they fled their country for fear of persecution by the government in place.
Lack of effective enforcement and implementation of social security laws and agreements, including access to justice and grievance mechanisms.
Administrative, practical and other obstacles
Lack of social protection schemes for nationals
Complex and time-consuming administrative procedures.
Lack of information in appropriate languages on existing social protection rights, benefits and how to access them.
Lack of contributory capacity and other financial challenges.
Lack of representation, organization, and effective social dialogue owing to legal restrictions on migrants and refugees' fundamental right to freedom of association and collective bargaining.
Lack of trust in the system or the institutions.
Geographical barriers (isolated and/or remote workplaces).
Limited fiscal space or investment in social protection includes a lack of, or limited investments in social protection benefits, social security administrations, well-trained social security staff and effective delivery mechanisms.
Discrimination, cultural barriers, and stereotypes.
Lack of data on migrant workers' and refugees' coverage under social protection schemes.

There are many factors that shape the risks and challenges migrant workers and refugees might experience. Like anyone else, migrant workers and refugees face risks during their life cycle (e.g., unemployment, sickness, maternity, old-age, employment injury) which can have financial consequences. In addition, they can face risks and challenges in the context of migration and displacement, encompassing preparations for departure, the journey and work abroad, and return and reintegration (e.g., discrimination, poor working conditions, inadequate safety and health protection, unfair recruitment practices, wage-related abuses, other forms of abuse or exploitation, and lack of representation). Furthermore, crises, conflicts, persecution, violence and human rights violations, disasters and climate change can both force displacement and increase the risks faced by migrant workers and refugees.

Finally, there may also be an overall lack of political willingness and/or international solidarity to provide migrants, refugees, displaced persons and their families with access to social protection schemes.

An understanding of these risks and challenges in addition to a whole-of-government approach and international coordination are required to develop and implement effective social protection extension strategies for migrant workers, refugees and their families.

▶ 2. ILO mandate

The International Labour Organization is a tripartite standard setting United Nations agency with the mandate to advance social justice and decent work for everyone, including migrant workers, refugees, and their families. The ILO protects workers by establishing normative frameworks and assisting governments to apply these standards. The ILO also provides technical expertise, conducts analysis for evidence-based policy and develops models for effective implementation. In doing so, the ILO promotes rights at work, encourages decent employment opportunities, enhances social protection, and strengthens social dialogue on work-related issues. It works through a tripartite approach bringing together governments, employers, and workers of 187 Member States.

The ILO is mandated to support tripartite constituents with the extension of social protection to migrant workers, refugees, and their families. In fact, the Declaration of Philadelphia, an integral part of the ILO Constitution, explicitly refers to “the interests of workers when employed in countries other than their own” (Preamble) and “the extension of social security measures to provide basic income to all in need of such protection and comprehensive medical care” (Art. III(f)).

In fulfilment of this mandate, the ILO has adopted several Conventions and Recommendations that give effect to the right to social security for all, embedding the principle of equality of treatment and promoting a rights-based approach to labour migration (see Annexe 1).

The International Labour Conference has unambiguously stressed the importance of ensuring that migrant workers and their families have access to social protection systems, including through the conclusion of bilateral or multilateral agreements, in line with relevant international labour standards.²

Box 2: ILO 's contribution to global policy commitments

The ILO contributes to:

- ▶ Promoting and advancing **International Labour Standards**. The ILO also has a standard-setting and custodian role to support the creation and effective application of these standards.
- ▶ the **2030 Sustainable Development Agenda**. Targets that clearly relate to ILO's mandate on social protection and labour migration consist of targets 1.3, 3.8, 5.8, 8.8, 10.4 and 10.7.
- ▶ the objectives of the **Global Compact for Migration (GCM)** relevant to migrant workers' social protection that calls for enhanced portability mechanisms and non-discriminatory social protection systems, including social protection floors (objective 22).
- ▶ the **Global Refugee Compact (GRF)**, in particular to the areas of support related to decent work and access to health.



² See the 2017 [Resolution and conclusions concerning fair and effective labour migration governance](#) and the 2021 [Resolution and conclusions concerning the second recurrent discussion on social protection](#) (social security).

► 3. ILO strategic vision, mission, goals, and guiding principles

The strategy, which is outlined in this document, is aligned with relevant International Labour Standards and is based on guidance provided by ILO tripartite constituents, in particular the ILO Governing Body documents GB.344/POL/1 [Securing social protection for migrant workers and their families: Challenges and options for building a better future](#) and [GB.326/INS/14Add.\(Rev\)](#) with respect to the [Guiding principles on the access of refugees and other forcibly displaced persons to the labour market](#), elements of which have been incorporated into [the Employment and Decent Work for Peace and Resilience Recommendation \(No. 205\)](#) adopted in 2017.

3.1 Vision

A world of work where migrant workers, refugees and their families have access to social protection benefits, including health care, throughout their lives and migration journey.

3.2 Mission

To be a leading source of knowledge, expertise, and guidance, including in the multilateral system, enabling ILO constituents, based on social dialogue, to build inclusive, adequate and gender-responsive social protection systems for all, including for migrant workers, refugees, and their families. These systems will enhance the development benefits of labour migration, ensure the human right to social security, build resilience, and reduce poverty, inequality, exclusion, and vulnerabilities.

3.3 Goal

To accomplish its vision and implement this strategy, the ILO will use all available ILO means of action to extend social protection to migrant workers, refugees, and their families, while actively pursuing social dialogue and promoting a rights-based approach to labour migration in line with ILS.

3.4 Guiding principles

The following principles guide the development and operationalization of the strategy³:

- **ILO international labour standards:** The ILO promotes the ratification and implementation of ILO Conventions and Recommendations containing provisions and principles relevant to migrant workers' social protection and notably the principle of equality of treatment, determination of applicable legislation, maintenance of rights in the course of acquisition, maintenance of acquired rights and payment of benefits abroad and mutual administrative assistance (see Annexe 1). In line with the ILO mandate, and as an expression of the principle of non-discrimination, all ILO instruments apply to migrant workers, refugees and displaced persons, unless otherwise stated.⁴ The formulation of labour migration and social protection policies and laws should be guided by the underlying principles enshrined in ILO standards.
- **Social dialogue and tripartism:** Social dialogue should be anchored in all aspects of the implementation of the strategy. Tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned, will contribute to build stronger social cohesion and consensus on their social protection, ensure more sustainable extension strategies and ensure the buy-in of potential beneficiaries. Failure to effectively consult these workers, together with workers' and employers' organizations, at the development, implementation and monitoring stages may lead to the adoption of laws, policies and schemes that do not meet their needs and create tension between nationals and non-nationals.
- **Gender responsive social protection:** Too often, social protection programmes do not adequately address the specific needs of women and girls across their lives. While their reasons for leaving their country of origin may be similar to those of their male counterparts, their experiences across the migration cycle and during displacement differ to a great extent. Women are often overrepresented in precarious and informal jobs, more likely to have lower and fragmented earnings, increasing their vulnerability and negatively impacting their access to social protection

³ ILO GB.344/POL/1 [Securing social protection for migrant workers and their families: Challenges and options for building a better future](#).

⁴ This has been reiterated by the CEACR in various of its observations and in the Multilateral Framework on Labour Migration of 2006 (para 9 (c)).

benefits. Based on the principle of equality of treatment and non-discrimination, established in international human rights instruments and international labour standards, social protection systems and schemes as well as social security agreements should take the specificities of women and men (migrants and refugees) into account and promote gender equality.

- ▶ **Evidence-based policymaking:** The effectiveness and sustainability of the strategy lies in an evidence-based approach, including the establishment of a knowledge base and statistics on social security for migrant workers and refugees. Policies and laws should be informed by accurate, reliable, comparable, disaggregated data by sex, gender, age, and nationality status.
- ▶ **Policy coherence and coordination**⁵: Given the complexity of labour migration and its linkages with employment, social protection, fiscal and other national policy concerns, policy coherence and coordination at all levels (global, regional, national, provincial, etc.) should be pursued in the design and implementation of strategies, policies and laws aimed at extending social protection to migrant workers, refugees and their families. Social protection policies should also be coherent with crisis response measures and climate policies.
- ▶ **Whole-of-government and society approach**⁶: The strategy requires mechanisms to ensure coordination and consultation among ministries, social dialogue with workers' and employers' organizations, and consultation with social security institutions involved in the delivery of social protection, and other relevant partners/actors to strengthen effective implementation and policy coherence.



Box 3. Recommendations for developing national extension strategies

When formulating and implementing national social security extension strategies, Members should:

- a. set objectives reflecting national priorities;
- b. identify gaps in, and barriers to, protection;
- c. seek to close gaps in protection through appropriate and effectively coordinated schemes, whether contributory or non-contributory, or both, including through the extension of existing contributory schemes to all concerned persons with contributory capacity;
- d. complement social security with active labour market policies, including vocational training or other measures, as appropriate;
- e. specify financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives; and
- f. raise awareness about their social protection floors and their extension strategies, and undertake information programmes, including through social dialogue.

Source: Social Protection Floors Recommendation, 2012 (No. 202) para. 14

⁵ See also ILO 2022. [Practical guide on developing labour migration policies](#).

⁶ Ibid.

► 4. Strategic approach and measures

4.1 ILO's strategic approach⁷

When developing and implementing policies or mechanisms aimed at extending social protection to migrant workers, refugees and their families, the ILO promotes a **holistic** and **participatory** approach grounded on **international labour standards**, anchored in **social dialogue**, and involving organizations representative of migrant workers and refugees. Such an approach should take into account the following factors which influence migrant workers' and refugees' access to social protection: the labour migration and mobility landscape; the availability, level and scope of social protection provision in countries of origin and destination; and the heterogeneity and specificities of migrant workers, refugees and their family members, including their demographic characteristics, migration, residence and employment status, duration of stay and type of employment, skill set, income level, and the industry or sector in which they work.

In line with this approach, the Strategy seeks to ensure that countries **progressively** build more effective and comprehensive access to social protection for migrant workers, refugees and their families.

Recalling the Social Protection Floors Recommendation, 2012 (No. 202), and recognizing that social security is a right for all, Members are thereby encouraged to consider the following six complementary and mutually reinforcing policy measures:



Policy measure 1: Building national social protection systems

Progressively **building comprehensive national social protection systems** including social protection floors,⁸ that are **inclusive** of migrant workers, refugees and their families. This unilateral measure, can be considered by both countries of origin and destination, involves developing, revising or implementing national policies and legal frameworks based on the **principle of equality of treatment** between nationals and non-nationals and in line with relevant ILS. This measure also comprises extension and formalisation strategies for workers in the informal economy, as well as extension strategies for the self-employed and certain sectors, industries or occupations not or only partly covered by labour and social security laws such as domestic, agricultural, construction or platform work). While social protection systems are key stabilizers in the event of major shocks (conflict, war, pandemic, disasters related to extreme weather and seismic events, climate change induced mobility), countries should also consider incorporating crisis or emergency responses into longer term national social protection strategies and existing delivery mechanisms.



Policy measure 2: Ratifying and/or applying relevant ILS

Ratifying and/or implementing relevant International Labour Standards (ILS). All ILS, including all social security standards, apply to migrant workers unless otherwise specified. Particularly relevant for migrant workers' social protection are Convention No. [19](#), [97](#), [102](#), [118](#), [143](#), [157](#) and Recommendations No. [167](#), [201](#), [202](#), [205](#)) as a first step towards incorporating the principles and standards established therein into domestic law.



Policy measure 3: Concluding bilateral/multilateral social security agreements

Concluding bilateral/multilateral social security agreements and respective administrative arrangements, between countries to ensure the coordination and portability of benefits across countries (based on the model agreement in the annex of [ILO Recommendation No. 167](#)).

⁷ This approach was discussed and adopted by government, employers and workers representatives of the ILO's Governing Body in March 2022, see ILO GB.344/POL/1 [Securing social protection for migrant workers and their families: Challenges and options for building a better future](#) and [GB.326/INS/14Add.\(Rev\)](#)

⁸ See Box 1 for more information on social protection floors as per the ILO Social Protection Floors Recommendation, 2012 (No 202).

Policy measure 4: Concluding BLAs with social security provisions

Concluding bilateral labour migration agreements with social security provisions based on the principle of equality of treatment between nationals and migrant workers set out in Conventions Nos 97 and 143, [ILO Recommendation No. 86](#), and the [UN Global Guidance on bilateral labour migration agreements](#).

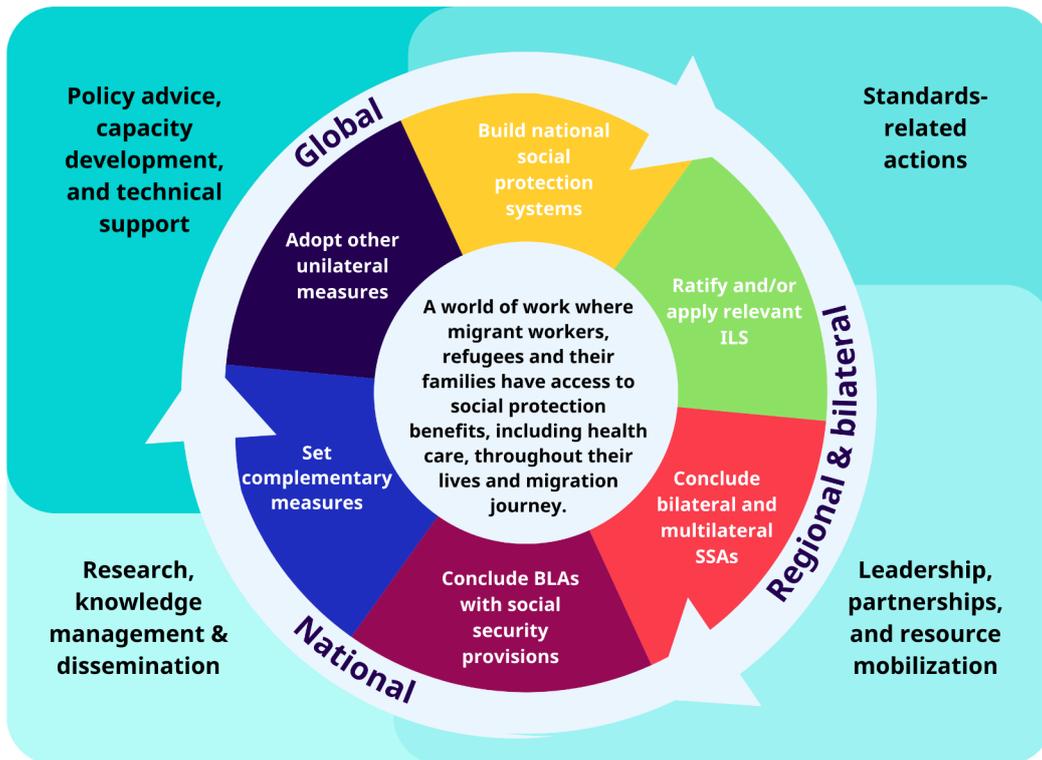
Policy measure 5: Setting complementary measures

Setting complementary measures addressing the **administrative, practical** and other obstacles faced by migrant workers (accessible information in understandable languages, simplified administrative procedures, and outreach units, regularization campaigns, formalization strategies, mobilization and reallocation of fiscal resources, effective complaint and appeal mechanisms etc.).

Policy measure 6: Adopting other unilateral measures

In addition to the unilateral policy measures 1, 2 and 5, other unilateral measures, or mechanisms that allow for flexibility in the design of the scheme and assistance with regards to qualifying conditions and minimum requirements can be considered. In certain circumstances, countries of origin or destination may also decide to provide additional protection (e.g., welfare funds, reimbursements, lump sums) to fill specific protection gaps while moving towards more comprehensive and adequate social protection in line with ILS.

▶ Figure 1. ILO strategy and means of action to extending social protection to migrant workers, refugees, and their families.



4.2 Theory of change

These six policy measures identify short to medium-term outcomes, which lead to long-term impacts on society and the economy as illustrated by the theory of change under **Figure 2**. To achieve these outcomes and impacts, the ILO will undertake research, provide technical support to its constituents on their extension strategies, build capacity, and promote collaboration and partnerships to fulfil its mandate to support the extension of social protection services to all in need of such protection, including migrants, refugees, and their families (see **Figure 1**).

► **Figure 2. Theory of change**



Box 4. Access to social protection for migrant workers and refugees in the context of climate change and a just transition

People have always moved because of changing environmental conditions. Both sudden-onset events (e.g., storms, floods, earthquakes) and slow-onset climate change impacts (e.g., droughts and desertification, rising sea levels) can cause migration, displacement and planned relocation. These can also act as risk multipliers further degrading working conditions, increasing poverty or livelihood insecurity. Simultaneously, climate policies may negatively impact individuals, who may lose their jobs in carbon-intensive sectors.¹

Social protection provides coverage against risks that people face throughout their lives, including in the context of climate change and climate policies. Social protection extension strategies should be developed in coherence with climate policies and ensure that no one is left behind. This is essential for social cohesion and to ensure public support for transition policies.

The ILC Resolution concerning the second recurrent discussion on social protection (ILO, 2021), calls upon the ILO to “support Member States in developing social protection policies that facilitate just transitions to environmentally sustainable economies and societies”.

Well-designed and inclusive social protection systems and floors are powerful tools to tackle the effects of climate change. They can facilitate a just transition towards greener economies and sustainable development, providing viable alternatives to peoples’ livelihoods. Measures such as access to affordable health care, unemployment protection, employment guarantee schemes or emergency cash transfers are critical to enabling workers to cope with the effects of climate change. All these measures should apply to all workers and their families including migrants and refugees based on the principles of equality of treatment and non-discrimination. In addition, ensuring access to social protection for migrant workers and refugees in sectors affected by just transitions can help smooth their transition into green jobs.

The ILO Just Transition Guidelines (2015) highlight the importance of adequate social protection systems to build resilience in the context of climate change and in relation to human mobility, it encourages governments to “facilitate bilateral discussions on the portability of social protection entitlements in situations of cross-border displacement, including those due to the transition to environmentally sustainable economies and climate change impacts” (Par. 28f).²

¹ ILO (2023) [Just transition policy brief: Social protection for a just transition](#).

² ILO (2015) [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#).



► 5. ILO Means of action

The ILO provides technical assistance to its constituents in their extension strategies based on social dialogue and in line with International Labour Standards, in the following areas:

- **Policy advice, capacity development and technical support.**
- **Standards-related action** including through the Convention No. 102 Ratification Campaign, implementation support and monitoring of ILS.
- **Research, knowledge management and dissemination** including through data collection, good practice dissemination, South-South and triangular exchanges.
- **Leadership, partnerships, and resource mobilization** including through the [ILO Global Flagship Programme](#) on Building Social Protection Floors for all, [Global Accelerator on Jobs and Social Protection for Just Transitions](#), [Social Protection Inter-Agency Cooperation Board](#) (SPIAC-B), and more (see box 5).

For instance, the Office provides guidance and support on:

- the drafting or revision of national/regional policies, strategies, laws and regulations for the development of comprehensive and inclusive social protection systems, including national social protection floors;
- the development of a knowledge base, including up-to-date statistics as part of the [Social Security Inquiry](#) and the [World Social Protection Data Dashboard](#), on all branches of social security for migrant workers and refugees, to support evidence-based policymaking and capacity-building;
- the implementation and monitoring of rights-based social protection schemes and improved institutional capacities to extend effective access to social protection and health protection for all, including migrant workers and refugees;
- the drafting, revision, negotiation and implementation of regional and bilateral social security agreements (following the eight-step process) and bilateral labour migration agreements with provisions on social security, that are gender-responsive;
- the costing and financing of social protection schemes and reforms (such as fiscal space analyses), including those related to the extension of social protection to migrant workers, refugees, and their families, with a view to ensuring their affordability and financial sustainability;
- the inclusion of informal economy workers and refugees into national social health protection schemes, based on the [ILO-UNHCR Handbook](#);
- the setting up of complementary measures to address the practical and administrative obstacles, including information campaigns, access to justice, and [migrant welfare funds](#).



Box 5. ILO's leadership and partnerships

The International Labour Conference 2021 Resolution concerning the second recurrent discussion on social protection (social security) reaffirmed **ILO's mandate and leadership in social protection in the multilateral system** and in ensuring policy coherence, including through strengthening existing inter-institutional cooperation mechanisms aimed at promoting policy coherence at the national as well as international level.

In particular, the ILO proactively works to steer consensus and calls for increased investment in universal social protection and collaboration including in the framework of:

- ▶ Global Social Justice Coalition
- ▶ Global Accelerator on Jobs and Social Protection for Just Transitions
- ▶ ILO Global Flagship Programme on Building Social Protection Floors for All
- ▶ Social Protection Inter-Agency Cooperation Board (SPIAC-B)
- ▶ Global Partnership for Universal Social Protection to Achieve the Sustainable Development Goals (USP2030)
- ▶ Social Health Protection Network (P4H)
- ▶ UN Network on Migration to give effect to the Global Compact for Migration
- ▶ Global Refugee Forum
- ▶ Global Forum on Migration and Development (GFMD)
- ▶ ILO-UNHCR Partnership: ILO-UNHCR Joint Action Plan 2023-2025

Furthermore, the ILO supports inter-regional, intra-regional dialogues and regional integration processes for improved governance of labour migration and enhanced access to labour and social protection rights in collaboration with the African Union, ASEAN, GCC, ECOWAS, EAC, SADC and more.

The ILO draws on a long-standing collaboration with the **International Social Security Association (ISSA)** that promotes excellence in social security administration through professional standards, expert knowledge, research and analysis, services, capacity building and offers a unique opportunity for social security experts and administrators to exchange on innovative approaches. The ISSA counts on over 320 member institutions from over 160 countries.

With respect to capacity building, the ILO benefits from its **International Training Centre (ITC-IL)** which offers cutting edge learning tools, certification programmes and tailor-made courses in multiple languages and countries fostering communities of practice and professional networks. It welcomes more than 14.000 participants a year from around the world on its campus in Italy and more through its Virtual Campus.



Box 6. Key resources on migrant workers' social protection

The [ILO Webpage on migrant workers' social protection](#) includes a wide range of resources, policy guidance tools, publications, briefs, videos, link to relevant ILO standards, training courses and project material.

In addition to this, the ILO's mandate to protect the rights of all workers in addition to the adoption of the ILO's approach on extending social protection to migrant workers, refugees and their families by the Governing Body have resulted in a number of publications aimed at providing knowledge and guidance to relevant stakeholders. These include:

ILO (2022), [Securing social protection for migrant workers and their families: Challenges and options for building a better future](#) offers an overview of the policy measures, the normative framework, and ongoing and planned ILO knowledge products, capacity-building and technical advisory services supporting the extension of social protection to migrant workers and their families, including in response to the COVID-19 pandemic. This document was submitted to the 344th session of the ILO Governing Body.

ISSA (2022), Global overview of international social security agreements.

ILO (2021), [World Social Protection Report 2020-22: Social protection at the crossroads – in pursuit of a better future](#) provides an overview of the progress made over the past decade in extending social protection and building rights-based social protection systems, including social protection floors, across the globe.

ILO (2021), [Extending Social Protection to Migrant Workers, Refugees, and their Families: Guide for Policymakers and Practitioners](#) provides practical guidance on how to extend social protection to migrant workers, refugees and their families, including country practices.

ILO-UNHCR (2020), [Handbook on social health protection for refugees: Approaches, lessons learned and practical tools to assess coverage options](#) guides the staff of both organizations to assess options for the inclusion of refugees in national social health protection schemes.

Van Panhuys, C.; Kazi-Aoul, S.; Binette, G. (2017), [Migrant Access to Social Protection under Bilateral Labour Agreements: A Review of 120 Countries and Nine Bilateral Arrangements, ILO Working Paper](#) provides an in-depth overview of migrant workers' access to social protection under BLAs or MoUs for nine corridors (i.e., 15 countries), maps bilateral and multilateral social security agreements in 120 countries, and reviews legislation regarding the principle of equality of treatment.



Box 6. Key resources on migrant workers' social protection continued

Spotlight briefs

ILO (2023) [Guidance note: Using Migrant Welfare Funds as a social protection instrument – potential and limitations?](#) Drawing on relevant ILS, this guidance note aims at providing policy guidance to countries of origin who wish to extend social protection to their nationals working abroad and their families, and that are exploring the possibility of establishing a Migrant Welfare Fund for that purpose.

ILO (2020), [Social Protection for Migrant Workers: A Necessary Response to the COVID-19 Crisis](#) outlines the short-, medium-, and long-term policy responses countries can implement to extend social protection to migrant workers and refugees.

Intervention Models

Complementary to the aforementioned Guide on Extending Social Protection to Migrant Workers, Refugees, and their Families, succinct practical guidance on how to extend social protection to **specific groups of migrant workers as well as to refugees and asylum seekers** can be gained from the following ILO intervention models as well as practical information on the negotiation of **social security agreements**. Each of the intervention models includes a brief overview of the legal and administrative obstacles, the international legal framework, as well as a set of proposed policy measures based on existing country practices and international labour standards.

ILO (2023), Intervention Model: The eight-step process to negotiating a social security agreement

ILO (2023), [Intervention Model: For extending social protection to migrant workers in the informal economy](#)

ILO (2022), [Intervention Model: For extending social protection to migrant seasonal agricultural workers](#)

ILO (2021), Intervention Model: For extending social protection to migrant domestic workers

ILO (2021), Intervention Model: For extending social protection to migrant workers in an irregular situation

ILO (2021), [Intervention Model: For extending social protection to refugees and asylum seekers](#)

► 6. Monitoring and evaluation

The monitoring and evaluation of the Strategy's implementation will take place within existing structures, planning and programmatic frameworks, including the biennial programme and budget. Consequently, information on progress will be provided through the biennial programme implementation report and the annual progress report of the ILO's Flagship programme on Building Social Protection Floors.

Indicators of results and impact

The Global Flagship Programme on Building Social Protection Floors and its [Results Monitoring Tool](#) for all will keep track of the actions implemented through this [thematic approach](#) and will monitor progress made, implementing the policy measures as defined in the **strategic approach**, based on the following **indicators**:

- number of countries with new or revised national social protection policies, laws and schemes (unilateral measures) that extend coverage, enhance comprehensiveness and/or increase adequacy of benefits for migrant workers, refugees and their families;
- number of countries with new or revised bilateral/multilateral social security agreements or BLAs with provisions on social security;
- number of countries or regional economic communities with improved institutional capacity and delivery mechanisms to support the effective implementation of gender-responsive social security agreements or national schemes;
- number of countries that collect gender-disaggregated data on migrant workers and refugees' social protection coverage.

Intended change in the realm of social protection

- More countries with national social protection systems including social protection floors, that provide legal and effective social protection to migrant workers, refugees, and their families.
- More countries extend social protection coverage to workers in the informal economy and certain sectors such as domestic work, agriculture etc.).
- More bilateral/multilateral social security agreements concluded and effectively implemented.
- More bilateral labour migration agreements with strong social security provisions based on the equality of treatment principle.
- More countries or regional entities with the institutional capacity and delivery mechanisms to support the effective implementation of gender-responsive social security agreements or national schemes.
- More countries collect gender-disaggregated data on migrant workers and refugees' social protection coverage.

Ultimate aim: Socio-economic impacts

Based on the theory of change (see [Figure 2](#)), the assumption is that if the ILO supports its constituents through its various **means of action**, to implement its **strategic approach** on extending social protection to migrant workers, refugees and their families, based on the **guiding principles**, this would lead to the **intended changes** in the realm of social protection, contributing to the GCM objective 22 and the GCR areas in need of support (jobs and livelihoods and health), ultimately advancing **the 2030 Sustainable Development Agenda** (targets 1.3, 3.8, 5.8, 8.8, 10.4 and 10.7) and in particular to:

- reduced poverty and inequality
- enhanced social inclusion and social cohesion between migrants, refugees, and host communities
- improved public health
- improved resilience in time of hardship or crisis
- enhanced productivity, employability, economic growth, sustainable development

Annex 1. Instruments relevant to social protection for migrant workers: Overview of ratifications and key principles enshrined in ILO Conventions and Recommendations⁹

		Ratifications as of January 2022	Equality of treatment ¹⁰	Applicable legislation	Maintenance of acquired rights and provision of benefits abroad	Maintenance of rights in the course of acquisition	Administrative assistance
C19	Equality of Treatment (Accident Compensation) Convention, 1925 (interim status)	121	Yes	No	No	No	Yes
R86	Migration for Employment Recommendation (Revised), 1949	N/A	Yes	No	Yes	Yes	No
C102	Social Security (Minimum Standards) Convention, 1952	60	Yes	No	No	No	No
C97	Migration for Employment Convention (Revised), 1949	53	Yes	No	No	No	No
C118	Equality of Treatment (Social Security) Convention, 1962	38	Yes	No	Yes	Yes	Yes
C121	Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]	24	Yes	No	No	No	No
R122	Employment Policy Recommendation, 1964	N/A	Yes	No	No	No	No
C128	Invalidity, Old-Age and Survivors' Benefits Convention, 1967	17	No	NO	No	Yes	No
C130	Medical Care and Sickness Benefits Convention, 1969	16	Yes	NO	No	No	No
C143	Migrant Workers (Supplementary Provisions) Convention, 1975	28	Yes	No	No	No	No
R151	Migrant Workers Recommendation, 1975	N/A	Yes	No	Yes	Yes	No
C157	Maintenance of Social Security Rights Convention, 1982	4	Yes (Preamble)	Yes	Yes	Yes	Yes
R167	Maintenance of Social Security Rights Recommendation, 1983	N/A	Yes (Preamble)	Yes	Yes	Yes	Yes
C168	Employment Promotion and Protection against Unemployment Convention, 1988	8	Yes	No	No	No	No
MLC	Maritime Labour Convention, 2006, as amended	98	Yes	No	No	No	No
R201	Domestic Workers Recommendation, 2011	N/A	Yes	NO	Yes	Yes	No
R202	Social Protection Floors Recommendation, 2012	N/A	Yes	NO	No	No	No
R205	Employment and Decent Work for Peace and Resilience Recommendation, 2017	N/A	No	NO	Yes (for refugees)	No	No

⁹ Source: ILO (2022). [Securing social protection for migrant workers and their families: Challenges and options for building a better future](#). International Labour Organization: Geneva.

¹⁰ The following instruments include provisions promoting equality of treatment with respect to social protection for workers in general or for specific groups of workers without referring explicitly to migrant workers. However, under paragraph 9(a) of the ILO [Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach](#) of 2006, “[a]ll international labour standards apply to migrant workers, unless otherwise stated”. The following instruments are also relevant to social protection for migrant workers: the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Part-Time Work Convention, 1994 (No. 175); the Home Work Convention, 1996 (No. 177); the Private Employment Agencies Convention, 1997 (No. 181); the Safety and Health in Agriculture Convention, 2001 (No. 184); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); and the Domestic Workers Convention, 2011 (No. 189).

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International Labour Organization
Route des Morillons 4
1211 Geneva 22
Switzerland